

HISTORICAL DIVISION[223]**Adopted and Filed**

Pursuant to the authority of Iowa Code section 303.1A, the Director of the Department of Cultural Affairs amends Chapter 49, "Historical Resource Development Program Grants," Iowa Administrative Code.

The amendment to Chapter 49 adds language that clarifies the Certified Local Government requirement for grant applicants in the Historic Preservation category.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 2, 2009, as **ARC 8336B**. The Department of Cultural Affairs sought input about the proposed amendment by holding a public hearing on December 22, 2009. One member of the public made a comment relevant to the proposed amendment in support of the amendment. This amendment is identical to that which was published under Notice.

The Department Director approved and adopted this amendment on January 6, 2010.

This amendment is intended to implement Iowa Code chapter 303.

This amendment will become effective on March 3, 2010.

The following amendment is adopted.

Amend rule 223—49.3(303) as follows:

223—49.3(303) Funding policies. The grant programs shall be conducted according to published guidelines that outline funding priorities, review criteria, application forms, adjudication processes and grantee requirements. Programs include REAP/HRDP regular grants, REAP/HRDP emergency grants, and country school grants.

49.3(1) to 49.3(12) No change.

49.3(13) Grant funds shall not be awarded to a city or county government for a project in the historic preservation category unless the city or county government has been approved as a Certified Local Government (CLG) by the National Park Service and determined to be a CLG in good standing by the state historic preservation office (SHPO). CLG cities, counties, and land use districts must be current in their submission of Iowa CLG annual report forms to be considered in good standing.

49.3(13) 49.3(14) All government, nonprofit corporation, or Indian tribe applicants shall demonstrate that the historical resource is accessible to the public no less than an average of 16 hours per week or shall provide a statement concerning actions to be taken in the forthcoming 36 months after the grant award to provide the above-specified accessibility of the funded project to the public, unless access is restricted by specific federal or state code. Archaeological sites that are part of funded projects are not required by this program to be accessible to the public.

49.3(14) 49.3(15) All private corporations, businesses, and individual applicants shall demonstrate that the historical resources which benefit from being acquired, developed or preserved, or the portions of the historical resource so benefited, shall be accessible to the public no less than an average of 96 hours per year or shall provide a statement concerning actions to be taken in the forthcoming 36 months after the grant award to provide the above-specified accessibility of the funded project to the public, unless access is restricted by specific federal or state code. Archaeological sites that are part of funded projects are not required by this program to be accessible to the public.

49.3(15) 49.3(16) A grantee shall credit the historical resource development program in all promotions, publicity, advertising, and printed materials relating to the grant-supported project, with the following credit line or a reasonable facsimile: "This program is supported in part by the State Historical Society of Iowa, Historical Resource Development Program." Noncompliance with this requirement shall jeopardize future funding of the grantee by the historical division.

49.3(16) 49.3(17) The historical division may, for cause, find that a grantee is not in compliance with the requirements of this program or the terms of the contract. At the division's discretion, remedies for noncompliance may include penalties or the repayment of program funds. Reasons for a finding

of noncompliance include but are not limited to: the grantee's use of program funds for activities not described in its application or not permitted under the program; the grantee's failure to complete approved activities in a timely manner; the grantee's failure to comply with any applicable professional standards, state rules, or federal regulations; the lack of a continuing capacity on the part of the grantee to carry out the approved program in a timely manner; or violation of the terms of the contract.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/27/10.